Application No.: 10/010,915
Filed: December 7, 2001
TC Art Unit: 2144
Confirmation No.: 6110

REMARKS

The foregoing amendment is filed in response to the official action dated July 12, 2006. Reconsideration is respectfully requested.

The status of the claims is as follows:

Claims 1-2, 5-14, and 17-25 are currently pending.

Claims 1-2, 5-14, and 17-25 stand rejected.

Claims 1, 13, and 25 have been amended.

The Examiner has rejected claims 1-2, 5-8, 10-13, 17-20, and 22-25 under 35 U.S.C. 103(a) as being unpatentable over Staveley *et al.* (USP 6,973,491). The Examiner has also rejected dependent claims 2 and 14 under 35 U.S.C. 103(a) as being unpatentable over Staveley *et al.* in view of Liu (USP 6,079,020). The Applicant respectfully submits, however, that base claims 1, 13, and 25, as amended, and the claims depending therefrom, recite non-obvious subject matter that distinguishes over the art of record.

For example, amended base claim 1 recites a distributed method of performing network monitoring that includes obtaining, by an infrastructure management appliance, customer specific information for establishing a secure virtual connection with a remote data center. The customer specific information is obtained from the remote data center via a first communication interface to

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the infrastructure management appliance. As recited in amended claim 1, the remote data center is connected to a public network, the infrastructure management appliance is connected to a customer network via a second communication interface to the infrastructure management appliance, and the infrastructure management appliance is connectable to the public network via the second communication interface and the customer network. The method of amended claim 1 further includes establishing, responsive to the customer specific information obtained via the first communication interface, the secure virtual connection with the remote data center by the infrastructure management appliance. The secure virtual connection with the remote data center is established over the public network via the second communication interface to the infrastructure management appliance. In addition, the method of amended claim 1 includes monitoring, by the infrastructure management appliance, at least one customer resource connected to the customer network over the customer network, and transmitting information obtained through the monitoring of the customer resource to the remote data center via the secure virtual connection.

On page 5 of the official action, the Examiner states that it would have been obvious to one of ordinary skill in the art at the

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time of the invention to have recognized the steps of establishing a secure virtual connection or a VPN, which requires obtaining user specific information via one interface, and creating a secure virtual connection via another interface based upon the obtained user information. The Applicant respectfully submits, however, that this is an unsupported conclusion - in establishing a secure virtual connection or a VPN, there is no requirement that user specific information be obtained via one interface, and that the secure virtual connection be created via another interface based upon the obtained user information. This is shown, for example, in the Liu reference, which discloses that, when implementing a VPN, configuration information can simply be sent to the appropriate VPN gateways so that the VPN gateways can be configured to implement the VPN (see column 10, lines 52-55, of Liu).

Staveley *et al.* fail to provide any disclosure that would support or suggest the conclusion that customer specific information must be obtained via a communication interface different from the communication interface used to create the secure virtual connection. In addition, Staveley *et al.* fail to provide any motivation for modifying their disclosure, as suggested in the official action, to obtain customer specific

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information from a remote data center via a first communication interface to an infrastructure management appliance, and to establish, responsive to the obtained customer specific information, a secure virtual connection with the remote data center over a public network via a second communication interface to the infrastructure management appliance, as recited in amended claim 1.

By obtaining the customer specific information via the first communication interface, the distributed network monitoring method of amended claim 1 avoids having to send the customer specific information to the infrastructure management appliance over the unsecured public network. For example, in one embodiment, the customer specific information may be obtained by the infrastructure management appliance via the first communication interface through dial up access over a serial line to the remote data center, as recited in dependent claim 6. On page 6 of the official action, however, the Examiner states that the Staveley reference discloses obtaining such customer specific information via dial up access (see the Abstract, column 1, lines 64-67, column 3, lines 8-10, and column 3, line 60, to column 4, line 2, of Staveley *et al.*). Nevertheless, the Applicant respectfully points out that Staveley *et al.* do not disclose obtaining customer

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specific information *for establishing a secure virtual connection with a remote data center through dial up access*, as recited in dependent claim 6. Instead, Staveley *et al.* merely disclose that data previously uploaded to a central site can be subsequently accessed by users via a dial up connection (see the Abstract, lines 14-17, of Staveley *et al.*). Clearly, such data accessed by the users via the dial up connection cannot correspond to customer specific information for establishing a secure connection with the remote central site, since, at the time that data is accessed by the users, the secure connection with the central site would have already been established.

On page 9 of the official action, in response to the Applicant's arguments filed March 13, 2006, the Examiner states that the Staveley reference discloses a network management and monitoring framework connected to a public communication network (the Internet), and a client network connected to the public communication network (see column 3, lines 33-45, and Figs. 1-2, of Staveley *et al.*). The Applicant respectfully points out, however, that although Staveley *et al.* disclose a master machine 20 including a first connection to a "customer network" (the network connection 19) and a second connection to the public network (the Internet 16; see Fig. 1 of Staveley *et al.*), Staveley

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et al. fail to disclose an infrastructure management appliance that is connectable to the public network *via the customer network*, as recited in amended claim 1. As depicted in Fig. 1 of the Staveley reference, the master machine **20** is connected to a customer network (the network connection **19**) and the public network (the Internet **16**) via two *separate* network connections. In contrast, as described and claimed in the instant application, the infrastructure management appliance **10** is connected to the customer network **12** via the second communication interface (not numbered), and is connectable to the public network (the Internet **22**) through the customer network **12** via the *same* second communication interface (see amended claim 1, and Fig. 1, of the application).

In addition, on page 9 of the official action, in response to the Applicant's arguments filed March 13, 2006, the Examiner states that the Staveley reference discloses obtaining user information via an HTTP interface, and creating/establishing a secure virtual connection using an HTTPS/SSL interface. The Applicant respectfully points out, however, that the information sent via the HTTP interface of Staveley *et al.* does not correspond to customer specific information *for establishing a secure virtual connection with a remote data center*, as recited in amended claim

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1. Instead, the information sent via the HTTP interface of Staveley *et al.* corresponds to data files sent over, *i.e.*, uploaded, to the central site destination (see column 9, lines 20-62, of Staveley *et al.*).

Because the Staveley reference neither teaches nor suggests (1) obtaining customer specific information for establishing a secure virtual connection with a remote data center from the remote data center via a first communication interface to an infrastructure management appliance, (2) the infrastructure management appliance being connectable to a public network via a second communication interface, and (3) establishing the secure virtual connection with the remote data center over the public network via the second communication interface to the infrastructure management appliance, as recited in amended base claim 1, the Applicant respectfully submits that the teachings of Staveley *et al.*, modified as suggested in the official action, would not suggest to one skilled in this art the subject matter of amended claim 1. For at least the reasons discussed above with reference to amended claim 1, the Applicants further submit that the modified teachings of Staveley *et al.* would not suggest to one skilled in this art the subject matter of amended base claims 13 and 25. Accordingly, it is respectfully submitted that the

rejections of claims 1-2, 5-8, 10-13, 17-20, and 22-25 under 35 U.S.C. 103 should be withdrawn.

In addition, because the Liu reference fails to cure the deficiencies of the Staveley reference, the Applicant respectfully submits that the combined teachings of the Staveley and Liu references would not suggest to one skilled in this art the subject matter of dependent claims 2 and 14. Accordingly, it is respectfully submitted that the rejections of dependent claims 2 and 14 under 35 U.S.C. 103 should be withdrawn.

The Examiner has rejected dependent claims 9 and 21 under 35 U.S.C. 103(a) as being unpatentable over Staveley *et al.* in view of Bhaskaran *et al.* (USP 6,601,084). The Applicant respectfully submits, however, that like the Liu reference, the Bhaskaran reference fails to cure the deficiencies of the Staveley reference. For at least this reason, the combined teachings of the Staveley and Bhaskaran references would not suggest to one skilled in this art the subject matter of dependent claims 9 and 21. Accordingly, it is respectfully submitted that the rejections of dependent claims 9 and 21 under 35 U.S.C. 103 should be withdrawn.

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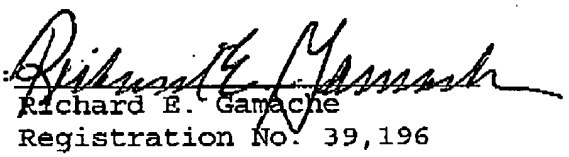
In view of the foregoing, it is respectfully submitted that the present application is in a condition for allowance. Early and favorable action is respectfully requested.

The Examiner is encouraged to telephone the undersigned Attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

VIKRAM PILLAI

By: 
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